

D R A F T

Outline for an Amended Notice of Intent (NOI) to Prepare a Joint Programmatic Environmental Impact Statement and Environmental Impact Report (EIS/EIR) for the CALFED Bay-Delta Long-Term Program

- I. Title
- II. Agency: CALFED
- III. Action: Notice of intent
- IV. Summary

This notice amends the notice of intent to prepare a Programmatic Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the CALFED Bay-Delta Program, published in the *Federal Register* on [date]. CALFED proposes to develop a Habitat Conservation Plan (HCP), pursuant to section 10 of the Endangered Species Act, for the CALFED Bay-Delta Program. CALFED would receive assurances, pursuant to the Department of the Interior's No Surprises Policy, if an HCP is approved and an incidental take permit issued. Assurances provide a guarantee to the permit holders that, in a properly functioning HCP, the U.S. Fish and Wildlife Service and National Marine Fisheries Service will not require additional land, funds, or restrictions on program actions covered by the HCP, beyond what was agreed to in the HCP in the event of unforeseen circumstances in the future. The Programmatic EIS/EIR will analyze an HCP as part of the CALFED Program. CALFED seeks public input on the options for developing an HCP and the granting of assurances via the HCP process.

- v. Dates
 - A. Comment Period
 - B. Scoping Meetings
- VI. Addresses
- VII. For Further Information Contact

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viii. Supplementary Information

A. Proposed Action

1. CALFED intends to develop an HCP and apply for an incidental take permit, pursuant to section 10 of the ESA, as part of the CALFED Bay-Delta Program. CALFED will seek incidental take coverage and assurances for state and federally listed species, as well as currently unlisted species. The level of assurances provided will depend on the specific actions covered by the HCP and on the unique circumstances of each species; assurances will be consistent with the requirements of the Endangered Species Act and other Federal laws.
2. The Programmatic EIS/EIR for the CALFED Program will include an evaluation of the HCP. [Will the HCP be a common program among all the program alternatives, apply to some of the alternatives, or be a separate alternative?]

B. Alternatives

CALFED is considering several options for the structure of an HCP.

1. Standard HCP: Develop a comprehensive HCP that would address all reasonable and foreseeable options under consideration for the program [or just for the preferred alternative?]. "No Surprises" assurances would be commensurate with the level of specificity and detail in each option.
2. Phased HCP with Conditioned Permit: Develop an initial HCP for the CALFED Program which covers all known actions; subsequent supplemental HCPs would be developed in the future as unknown/undefined program components became defined. An incidental take permit for the whole CALFED Program would be issued upon completion of the initial HCP; the permit would be conditioned to become effective in stages corresponding to completion of supplemental HCPs. "No Surprises" assurances would become effective in stages.
3. Phased HCP with Permit Amendments: Develop an initial HCP for the CALFED Program which covers all known actions; subsequent supplemental HCPs would be developed in the future as

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unknown/undefined program components became defined (same as option (b) above). An incidental take permit, covering only those actions included in the initial HCP, would be issued upon completion of the initial HCP. Permit amendments would be issued as supplemental HCPs were completed. "No Surprises" assurances would be provided only for that portion of the overall Program as covered by each permit or permit amendment.

C. Scope of Comments

1. CALFED is seeking comments on assurances provided in conjunction with an HCP, pursuant to the Department of Interior's No Surprises Policy, which would be given to non-Federal participants.
2. CALFED is seeking comments on the HCP options outlined above.
3. CALFED is seeking comments on additional ideas for HCP options not discussed above.

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